

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 860

Introduced by Burling, 33; Dierks, 40.

Read first time January 11, 2008

Committee: Agriculture

A BILL

1 FOR AN ACT relating to grain; to amend sections 75-903.02
2 and 88-528.01, Revised Statutes Cumulative Supplement,
3 2006; to remove the requirement for fingerprinting for
4 licensees under the Grain Dealer Act and the Grain
5 Warehouse Act; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 75-903.02, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 75-903.02 For each application filed under section 75-903
4 after January 1, 2004, one of the following primary parties
5 shall be subject to ~~fingerprinting~~ and a check of his or her
6 criminal history record information maintained by the Federal
7 Bureau of Investigation through the Nebraska State Patrol: (1) If
8 the applicant is not an individual, the chief executive officer,
9 president, or general manager; or (2) if the applicant is an
10 individual, the individual. If the primary party has been subject
11 to a check of his or her criminal history record information
12 pursuant to this section on a prior application, he or she is
13 not subject to another such check upon a subsequent application.
14 If a primary party has been subject to a check of his or
15 her criminal history record information pursuant to another law,
16 the commission may waive such requirement under this section.
17 A primary party shall furnish to the Nebraska State Patrol
18 a full set of fingerprints to enable a criminal background
19 investigation to be conducted. The primary party shall request
20 that the Nebraska State Patrol submit the fingerprints to the
21 Federal Bureau of Investigation for a national criminal history
22 ~~record check~~. The primary party shall pay the actual cost, if any,
23 of the ~~fingerprinting~~ and check of his or her criminal history
24 record information. The primary party shall authorize release of
25 the national criminal history record check to the commission.

1 The criminal history record information check shall be completed
2 within ninety days after the date the application for a license is
3 received in the commission's office, and if not, the application
4 shall be returned to the applicant. The commission shall deny a
5 grain dealer license to any applicant whose primary party has been
6 convicted of a felony financial crime.

7 Sec. 2. Section 88-528.01, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 88-528.01 For each application filed under section 88-528
10 after January 1, 2004, one of the following primary parties
11 shall be subject to ~~fingerprinting~~ and a check of his or her
12 criminal history record information maintained by the Federal
13 Bureau of Investigation through the Nebraska State Patrol: (1) If
14 the applicant is not an individual, the chief executive officer,
15 president, or general manager; or (2) if the applicant is an
16 individual, the individual. If the primary party has been subject
17 to a check of his or her criminal history record information
18 pursuant to this section on a prior application, he or she is
19 not subject to another such check upon a subsequent application.
20 If a primary party has been subject to a check of his or
21 her criminal history record information pursuant to another law,
22 the commission may waive such requirement under this section.
23 A primary party shall furnish to the Nebraska State Patrol
24 a full set of fingerprints to enable a criminal background
25 investigation to be conducted. The primary party shall request

1 that the Nebraska State Patrol submit the fingerprints to the
2 Federal Bureau of Investigation for a national criminal history
3 record check. The primary party shall pay the actual cost, if any,
4 of the fingerprinting and check of his or her criminal history
5 record information. The primary party shall authorize release of
6 the national criminal history record check to the commission.
7 The criminal history record information check shall be completed
8 within ninety days after the date the application for a license is
9 received in the commission's office, and if not, the application
10 shall be returned to the applicant. The commission shall deny a
11 warehouse license to any applicant whose primary party has been
12 convicted of a felony financial crime.

13 Sec. 3. Original sections 75-903.02 and 88-528.01,
14 Revised Statutes Cumulative Supplement, 2006, are repealed.